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Attorneys for Plaintiff Perienne de Jaray

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PERIENNE DE JARAY,

Plaintiff,

v.

ATTORNEY GENERAL OF CANADA FOR
HER MAJESTY THE QUEEN, CANADIAN
BORDER SERVICES AGENCY, GLOBAL
AFFAIRS CANADA fka DEPARTMENT OF
FOREIGN AFFAIRS AND
INTERNATIONAL TRADE CANADA,
GEORGE WEBB, KEVIN VARGA, and
PATRICK LISKA,

Defendants.

No.: 2:16-cv-00571

DECLARATION OF HOLLY SWARTOS IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS

I, Holly Swartos, hereby declare as follows:

1. I am over the age of 18, and I have personal knowledge of the following facts. I currently live in Redmond, Washington and work in Bellevue, Washington.

2. I worked as the Executive Assistant to Perienne de Jaray at APEX-Micro America, Inc. ("Apex America") in Ferndale, Washington. I lived and worked in the state of Washington at the time that I worked for Apex America.

3. I began hearing rumors about Canadian investigations into Ms. de Jaray and Apex America in 2009. I remember Canadian investigators dropping off business cards at Apex

1 America and hearing about them meeting with U.S.-based employees of Apex at locations within
2 the United States.

3 4. I remember recording in a spiral notebook multiple messages left by Canadian
4 Border Services Agency ("CBSA") investigators, who called Ms. de Jaray repeatedly at the
5 Ferndale facility.

6 5. Canadian investigators contacted me personally on multiple occasions while I was
7 at work at Apex America. Canadian investigators questioned me about suspicious activity or
8 shipments, and repeatedly asked me for information about Ms. de Jaray's activities and
9 whereabouts. A CBSA investigator also requested that I meet with him at a location within the
10 United States.

11 6. I received a call from a CBSA investigator very late one evening, while I was in
12 the office to communicate with Apex America's supply chain in China. There were not many
13 people around when the investigator called, and the investigator was so aggressive and insistent
14 with me about trying to gather information on Ms. de Jaray that I was very frightened by the
15 experience. The call unsettled me to the extent that I called Ms. de Jaray immediately and
16 demanded that she do something. I was unsure why they would not stop calling or requesting
17 information I had no intention of giving out for personal safety for Ms. de Jaray as it is not
18 normal business etiquette to give strangers locations of my boss. I had a hard time understanding
19 why they kept asking where she was, when would she be back, etc.

20 7. After multiple unsuccessful calls the Canadian investigators asked me to assist in
21 their investigation, and encouraged me to contact them to arrange a meeting once I "knew
22 anything." They informed me that they could meet with me anytime, at my convenience, within
23 the United States. They also told me that I should not talk to anyone about their calls, and that I
24 could be in big trouble if I spoke to anyone about the calls.

25 8. I had nothing to tell investigators because I had never seen any suspicious activity
26 or packages at Apex America. I was happy with my job, and I respected Ms. de Jaray. She had

1 personally mentored and developed me from an entry level position to one of great leadership
2 and responsibility in a role that I would have been happy to have for years to come. The
3 investigators were so insistent and intimidating that I eventually began to doubt my own
4 knowledge and experience at Apex America.

5 9. The environment at Apex America grew uncomfortable once Canadian
6 investigators started contacting employees and insinuating that Ms. de Jaray and Apex America
7 were involved in suspicious activity. Many Apex America employees, including me, were very
8 scared that we would be associated with the same unscrupulous activity. Many Apex America
9 employees left to find other work rather than risk being associated or deemed unemployable due
10 to the same activity.

11 10. I talked to one of the managers at Apex America, Chris Baker, about the
12 intimidating questions from Canadian investigators and about how uncomfortable the
13 environment was at Apex America. I demanded to know what was "really going on" at Apex
14 America, because I started to believe that something sinister or illegal was going on based upon
15 the questions of Canadian investigators. I was very scared that I would be associated with
16 something awful and that my personal livelihood and means of income would disappear before
17 my eyes.

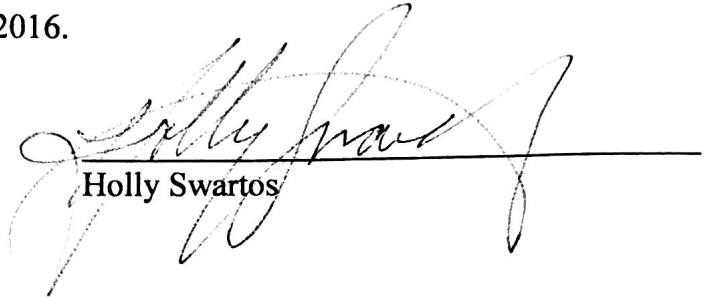
18 11. I eventually began to screen all calls a lot heavier, and even avoid calls, because
19 the calls from Canadian investigators were intimidating.

20 11. Many times the investigators calling were elusive and tried to limit the
21 information provided as I began to be more suspicious and provide less and less information, and
22 also completely screening their calls.

23 12. I would be willing to testify in this case.
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct to the best of my knowledge, information, and belief.
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4 DATED this 17 th day of October, 2016.
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Holly Swartos